

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NATIVE VILLAGE OF NAKNEK,

Plaintiff,

v.

JONES PACIFIC MARITIME, LLC, et
al.,

Defendants.

CASE NO. C14-5740 BHS

ORDER DENYING
DEFENDANTS' MOTION FOR
RECONSIDERATION

This matter comes before the Court on Defendants Harvey Jones and Jones Pacific Maritime, LLC's ("Jones") motion for reconsideration (Dkt. 52).

On June 1, 2015, the Court issued an Order releasing the vessel *SEAHORSE* under certain conditions. Dkt. 50. In that order, the Court explicitly stated that either party may file a motion to modify the conditions if necessary. *Id.* at 3 n.1. On June 15, 2015, Jones filed the instant motion disagreeing with the conditions of release, arguing that the Court was not aware of the practical effects of the conditions, and offering other, less restrictive

1 conditions. Dkt. 52. Although Jones' motion is essentially a request to modify the
2 conditions of release, Jones titled the motion as a motion for reconsideration.

3 The Court denies Jones' motion for two reasons. First, the Court declines to
4 recharacterize Jones' motion as a motion to modify the conditions of release. With
5 regard to Jones' burden under a motion for reconsideration, they have failed to show that
6 the Court committed a manifest error of law or that they have discovered new evidence
7 that could not have been brought to the Court's attention with reasonable diligence.
8 Local Rules, W.D. Wash. LCR 7(h)(1).

9 Second, even if the Court considered Jones' motion, Jones fails to support the
10 factual allegations set forth in the motion with any admissible evidence. The Court is
11 unable to modify any conditions based on allegations and/or speculation. Therefore, the
12 Court **DENIES** Jones' motion for reconsideration and will entertain a properly filed and
13 supported motion to modify conditions of release.

14 Dated this 16th day of June, 2015.

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17 BENJAMIN H. SETTLE
18 United States District Judge
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